

September 2, 2004

ORGANIZATION: Nuclear Energy Institute (NEI)

SUBJECT: SUMMARY OF JULY 30, 2004, MEETING WITH NEI TO DISCUSS
EMERGENCY PLANNING (EP) INSPECTIONS, TESTS, ANALYSES,
AND ACCEPTANCE CRITERIA (ITAAC) AND DRAFT EARLY SITE
PERMIT (ESP) TEMPLATE

On July 30, 2004, a meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and NEI at NRC Headquarters in Rockville, MD. Staff from the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) also participated in the meeting. The purpose of this meeting was to discuss EP ITAAC and the draft ESP template. A list of meeting attendees is included as Attachment 1. The meeting agenda is provided as Attachment 2.

NRC and NEI handouts were provided during the meeting. The handouts can be accessed through the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML042150056. This system provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the handouts located in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

Highlights of the EP ITAAC Portion of the Meeting

The EP ITAAC portion of the meeting was a follow-on to a meeting held on June 2, 2004, and a workshop held on April 27, 2004. The staff and NEI reached general agreement on the form and content for most areas that will require EP ITAAC. One area that was identified for additional discussions was how to address requirements in 10 CFR Part 50 Appendix E that no later than 180 days prior to the scheduled issuance of an operating license the licensee must submit detailed emergency planning implementing procedures. NEI agreed to write a letter and provide proposals for addressing EP ITAAC that were discussed at the meeting. The staff agreed to revise its draft proposed EP ITAAC and to consider NEI's proposals that will be discussed in its letter. The staff expects to issue a revised version of its proposed EP ITAAC in a letter to NEI and other stakeholders sometime in September of 2004. Action items from the EP ITAAC portion of the meeting are provided below. The EP ITAAC numbers mentioned in the action items can be found in the staff's portion of the handout material from the meeting.

Proposed EP ITAAC number	Revision
D.1.b	The staff and NEI will consider removing the phrase “and the set points are within applicable instrument range.” The staff will also consider whether other proposed ITAAC bound this proposed ITAAC. NEI will submit a proposal for how the EP elements in proposed EP ITAAC D.1.b are captured by other ITAAC.
E.2	The staff and NEI will consider adding the phrase “the COL applicant will identify specific capabilities/methods.”
E.6	The staff and NEI will consider revising the proposed EP ITAAC to state that “The means for notifying and providing instruction to the public are demonstrated to meet design objectives.”
H.1.c	The staff and NEI agreed to consider replacing the phrase “The TSC has the same radiological habitability as the control room under accident conditions” with the “The TSC has comparable habitability with the control room under accident conditions.”
H.2.c	The staff and NEI will consider adding the phrase “the COL applicant will identify specific capabilities/methods.” NEI will consider sending additional information on this proposed ITAAC
H.3.a and H.3.b	The staff will consider whether these ITAAC are bounded by proposed EP ITAAC N.1.f and H.2.d.
J.10	The staff will consider whether the proposed revision to ITAAC E.6 will bound this ITAAC.
N.1.a and N.1.b	The staff will consider adding the word “onsite” to these ITAAC. The staff will also consider adding the phrase, “the COL applicant will identify specific onsite objectives” to EP ITAAC N.1.a.
N.1.e	NEI will provide proposed alternate wording for this ITAAC and consider how portions if not all of this proposed ITAAC are bounded by proposed EP ITAAC N.1.a and N.1.b. The staff will consider NEI’s proposal.
N.1.f	NEI will consider adding a discussion in their letter for treatment of FEMA identified deficiencies. Specifically, NEI believes that some deficiencies may not have to be resolved until the plant performs low power testing after the Commission makes its 10 CFR 52.103(g) finding. NEI believes the issue involves interpretation of 10 CFR 50.54(s). The staff agreed to review NEI’s discussion.
X.1	This proposed ITAAC would require an applicant to submit detailed implementing procedure no less than 180 days prior to fuel load. NEI will provide information for why they believe this ITAAC is not needed given the requirements of 10 CFR 52.83. The staff agreed to consider how EP implementing procedures should be captured under the 10 CFR Part 52 process.

Proposed EP ITAAC number	Revision
General	NEI's proposal will include a discussion of how a COL applicant will identify specific responsibilities and what information will be contained in the ITAAC and what information will be provided in the final safety analysis report. The staff will consider adding a qualifier to its proposed EP ITAAC that an applicant referencing a certified design may take credit for EP ITAAC that are already approved as part of the design certification process, and that these EP ITAAC would not have to be duplicated in the COL application.

Highlights of Draft ESP Template Portion of the Meeting

During the second part of the meeting, the meeting participants discussed comments made by NEI on the NRC staff's draft ESP template. The draft template was sent to NEI and the three ESP applicants by letters dated June 22, 2004 (ML041400179 and ML041110012). NEI provided comments electronically (copy included in handouts), and they made additional comments verbally during the meeting.

Regarding EP information in Table 1 of the draft ESP template, NEI questioned the level of detail needed to support an acceptable determination, reflected in Table 1, and they asked whether the staff can accept (with caveats) a major feature for which some individual criteria are not addressed. The staff indicated that examples from NEI would be helpful and that the staff would consider the question further. NEI also sought input on the difference between "acceptable" and "reasonable assurance" as applied to ESP reviews. The staff agreed to investigate the distinction.

NEI also questioned applicability and usefulness of 10 CFR Part 21 in the ESP context. The staff referred to its letter dated June 22, 2004 (ML040430041), on the subject and indicated that either NEI or the ESP applicants could respond to the letter.

Another comment addressed the item in the draft ESP template that calls for possible limits on the number of times an ESP can be referenced in a license application. The staff stated that this item is a placeholder for resolution of Issue no. 1 in SECY-04-0103. NEI questioned whether an ESP is the appropriate location for a limitation of this type.

Another discussion point was the staff's proposed table in the draft ESP template which lists example plant parameters that might appear in an ESP. The staff stated that parameters which are inputs to the safety analyses are appropriate for inclusion in the ESP, and that the issue of inclusion of plant parameters related to the environmental report in the ESP needs further discussion and consideration.

Finally, the participants discussed "issue preclusion" with respect to changes in plant parameter values. The staff indicated that this issue also needs further discussion and consideration.

Actions for ESP template portion of meeting:

1. NEI and ESP applicants will attempt to develop examples of EP criteria they contend need not be addressed, while still allowing a staff finding of "acceptability" on the related major feature.
2. The NRC staff will internally discuss the question of whether various EP criteria need not be addressed, while still allowing a staff finding of acceptability on the related major feature.
3. The staff will consider the difference between "acceptable" and "reasonable assurance" related to EP requirements.
4. The staff will consider the appropriateness of language in the draft template, which refers to applying rules "now or hereafter in effect" to ESPs.
5. The staff will consider, in conjunction with resolution of integrated risk considerations in SECY-04-0103, the practicality and usefulness of specifying limits on the number of times an ESP may be referenced in a license application.
6. The staff will consider the question of the need for immediate notification, per 10 CFR Part 21, and in general, how best to apply 10 CFR Part 21 to ESPs.
7. NEI and the ESP applicants will consider commenting on the staff's July 22, 2004, letter which addresses Part 21 applicability to ESPs.
8. The staff will further consider the need for, value of, and language for inclusion in the ESP of plant parameters related to the environmental report.
9. The staff will consider the impact changes in plant parameter values will have on issue preclusion.

/RA/

Joseph M. Sebrosky, Senior Project Manager
New Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Project No. 689

Attachments: 1. List of attendees
2. Agenda

cc w/ atts: See next page

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/RA/

Joseph M. Sebrosky, Senior Project Manager
New Reactors Section
New, Research and Test Reactors Program
Division of Regulatory Improvement Programs
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ADAMS ACCESSION NUMBER: ML042390141-Package *See previous concurrence

OFFICE	PM:RNRP	PM:RNRP	NSIR/DPR/EPD	SC:RNRP
NAME	JSebrosky	MScott	BMusico*	LDudes
DATE	8/27/04	8/30/04	8/27/04	8/30/04

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TMensah (NRR Communication Coord)
ACRS (RidsAcresMailCenter)
OPA
MEI-Zeftway
MAAshley
JBlake
RGardner
CPaulk
LCampbell
Mltzkowitz, OGC
RWeisman, OGC
GMizuno, OGC
TKenyon
NIqbal
PQualls
DBarss
BMusico
DNelson, OE

External e-mail

bhupinder.singh@hq.doe.gov
tom.miller@hq.doe.gov
Vanessa.Quinn@dhs.gov
Kenneth.Wierman@dhs.gov
James.Purvis@dhs.gov

EP ITAAC and Draft Early Site Permit Template NEI Meeting
July 30, 2004
Attendance List

NRC

William Beckner	NRR/DRIP/RNRP
Laura Dudes	NRR/DRIP/RNRP
Joe Sebrosky	NRR/DRIP/RNRP
Michael Scott	NRR/DRIP/RNRP
Nan Gilles	NRR/DRIP/RNRP
Raj Anand	NRR/DRIP/RNRP
Dan Barss	NSIR/DRP/EPD
Bruce Musico	NSIR/DRP/EPD
Mary Ann Ashley	NRR/DIPM/IIPB
Gene Imbro	NRR/DE/EMEB
Kamal Manoly	NRR/DE/EMEB
Kaz Campe	NRR/DSSA/SPSB
Jay Lee	NRR/DSSA/SPSB
Thomas Kenyon	NRR/DRIP/RLEP
Ken Heck	NRR/DRIP/IIPB
Bob Weisman	OGC
Brooke Poole	OGC

NEI

Adrian Heymer
Russell Bell
Alan Nelson

Other Interested Attendees

Tom Mundy	Exelon
Eddie R Grant	Exelon
Carl Berger	Energetics
George Zinke	Entergy
Ben George	Southern Nuclear
Steve Frantz	Morgan Lewis
Lane Hay	SERCH Bechtel
Jenny Weil	McGraw Hill
John B. Costello	Dominion

FEMA

Kenneth Weirman
James H. Purvis

Agenda
July 30, 2004, Meeting with NEI on Emergency Planning (EP) Inspections, Tests,
Analyses, and Acceptance Criteria (ITAAC) and Draft Early Site Permit Template

8:30 a.m.	Introductory Comments	NRC/NEI
8:45 a.m.	Discussion of NEI's proposed EP ITAAC	NEI/NRC
9:45 a.m.	Discussion of NRC's proposed EP ITAAC	NRC
11:00 a.m.	Public Comment on EP ITAAC	
11:15 a.m.	Discussion of draft early site permit template. Template is available in ADAMS under Accession Number ML041110012	NRC/NEI
11:50 a.m.	Public Comment regarding template	
12:00 p.m.	Adjourn	

Combination List:

cc: Mr. Charles Brinkman
Westinghouse Electric Co.
Washington Operations
12300 Twinbrook Pkwy., Suite 330
Rockville, MD 20852

Mr. David Lochbaum, Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW, Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Mr. Adrian Heymer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. George Alan Zinke
Project Manager
Nuclear Business Development
Entergy Nuclear
M-ECH-683
1340 Echelon Parkway
Jackson, MS 39213

Mr. Thomas P. Miller
U.S. Department of Energy
NE-20, Rm. A286
Headquarters-Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Ms. Marilyn Kray
Vice President, Special Projects
Exelon Generation
200 Exelon Way, KSA3-E
Kennett Square, PA 19348

Mr. Laurence Parme
Manager, GT-MHR Safety &
Licensing
General Atomics Company
P.O. Box 85608
San Diego, CA 92186-5608

Mr. Joseph D. Hegner
Lead Engineer - Licensing
Dominion Generation
Early Site Permitting Project
5000 Dominion Boulevard
Glen Allen, VA 23060

Mr. Edward L. Quinn
MDM Services Corporations
Utility Operations Division
28202 Cabot Road, Suite 205
Laguna Nigual, CA 92677

Ms. Lynn Connor
Doc-Search Associates
2211 sw 1ST Ave - #1502
Portland, OR 97201

Mr. Paul Leventhal
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Ms. Patricia Campbell
Winston & Strawn
1400 L St., NW
Washington, DC 20005

Mr. W. Edward Cummins
AP600 and AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

September 3, 2004

Dr. Robert E. Gamble
Engineering Manager, ESBWR
GE Nuclear Energy
175 Curtner Avenue, MC 365
San Jose, CA 95125

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Mr. Stephen P. Frantz
Morgan, Lewis, & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

Mr. Brendan Hoffman
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Tom Clements
6703 Gude Avenue
Takoma Park, MD 20912

Mr. Lionel Batty
Nuclear Business Team
Graftech
12300 Snow Road
Parma, Ohio 44130

Mr. Ian M. Grant
Canadian Nuclear Safety Commission
280 Slater Street, Station B
P.O. Box 1046
Ottawa, Ontario
K1P 5S9

Mr. Edward F. Sproat, III
Vice President - Int'l Projects
Exelon Generation
200 Exelon Way
Kennett Square, PA 19348

Mr. Glenn Archinoff
Licensing Manager
AECL Technologies Inc.
481 North Frederick Avenue
Suite 405
Gaithersburg, MD 20877

Dr. Regis A. Matzie
Senior Vice President and
Chief Technology Officer
Westinghouse Electric Company
2000 Day Hill Road
Windsor, CT 06095-0500

Mr. Ed Wallace, General Manager
Projects
PBMR Pty LTD
PO Box 9396
Centurion 0046
Republic of South Africa

Mr. Dobie McArthur
Director, Washington Operations
General Atomics
1899 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

Mr. Russell Bell
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Vanessa E. Quinn, Chief
Radiological Emergency Preparedness
Section
Nuclear & Chemical Hazards Branch
Federal Emergency Management
Agency/DHS
500 C Street, SW
Washington, D.C. 20472